

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 3025 PERMIT 1494 LICENSE 574

ORDER CORRECTING THE PURPOSE OF USE
AND AMENDING THE LICENSE

WHEREAS:

1. License 574 was issued to W.F. Drassler, H.W. Settelmeyer, and F. Neddenriep and filed with the County Recorder of Alpine County on March 7, 1927.
2. License 574 was subsequently assigned to Aqueduct I, Ltd. and Kent Neddenriep.
3. A request to correct the description of the purpose of use to include Recreation and Fish and Wildlife Preservation and Enhancement under said license has been filed with the State Water Resources Control Board.
4. License term pertaining to the continuing authority of the Board should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.
5. The State Water Resources Control Board has determined that said correction in the description of the purpose of use will not initiate a new right nor operate to the injury of any other lawful user of water and that good and sufficient cause has been shown said correction.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Recreation and Fish and Wildlife preservation and enhancement be added to the purpose of use at Red Lake located within Sections 22 and 23, T10N, R18E, MDB&M.
2. License term pertaining to the continuing authority of the Board be amended to read:

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: **MARCH 08 1993**

for Larry L. Allaway
Edward C. Anton, Chief
Division of Water Rights



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water Notice of Assignment (Over)

LICENSE No. 574

PERMIT No. 1424

APPLICATION No. 3003

This is to Certify, That **W. F. Dressler, H. V. Sattelmeyer and F. Sedgwick,**
Gardnerville, Nevada,

have made proof to the satisfaction of the Division
of Water Rights of California of a right to the use of the waters of **Red Lake in Alpine County,**

tributary of **West Fork of Carson River**

for the purpose of **irrigation, stockwatering and domestic purposes**
under Permit No. **1424** of the Division of Water Rights and that said right to the use of said waters has
been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Rights
and the terms of the said permit; that the priority of the right herein confirmed dates from **September 6, 1922;**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is
limited to the amount actually beneficially used for said purposes and shall not exceed **eleven hundred (1100)**
acres feet per annum for storage to be collected from about November 1st to about
July 1st of each season.

The point of diversion of such water is located South sixty-eight degrees,
thirty minutes East (**S 68° 30' E**) one hundred (100) feet from the quarter corner
common to Sections 14 and 23, T 10 N, R 18 E, M.D.B. & M. and being within the
SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 23, T 10 N, R 18 E, M.D.B. & M.

The points of re-diversion of stored waters are located as follows:

- (1) **Fredericksburg Ditch; North eighty-nine degrees West (N 89° W) two thousand**
one hundred thirty-five (2135) feet from the Southeast corner of Section 18,
T 11 N, R 20 E, M.D.B. & M. and being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 18.
- (2) **Delucci (Bellachi) Ditch; North sixty-three degrees thirty minutes East**
(N 63° 30' E) thirteen hundred (1300) feet from the quarter corner on the West
line of Section 17, T 11 N, R 20 E, M.D.B. & M. and being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$
of said Section 17.
- (3) **Walcke and Tillman Ditch; North eighty-eight degrees East (N 88° E) fourteen**
hundred thirty-five (1435) feet from the southwest corner of Section 8, T 11 N,
R 20 E, M.D.B. & M. and being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 8.

A description of the lands or the place where such water is put to beneficial use is as follows:

A total of **fourteen hundred (1400) acres** located in Sections 4, 6, 7, 8 and 20,
T 11 N, R 20 E and Sections 20, 21, 22, 23, 32 and 33, T 12 N, R 20 E, all M.D.B. & M.
as shown on a map titled **Primary and Secondary Points of Diversion and Land to be**
Irrigated filed by applicants December 4, 1922 with the Division of Water Rights.

The rights confirmed herein are subject to the provisions of Paragraph VII of
the decree in the case of **Anderson et al vs. Bassman et al, No. 12887, in the Circuit**
Court of the United States, Ninth Circuit.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes 1913, which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in or that the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such findings or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accept such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and providing, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs thereof, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and provided, further, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness the signature of the Chief of the Division of
WATER RIGHTS, Department of Public Works of the
State of California, and the seal of said department
this 14th day of February, 1922
Lawrence S. Hall
Chief of Division of Water Rights, Department
of Public Works of the State of California

2/14/92 assigned to Aqueduct I Ltd. and William
F. L. S. 74
2/14/92 assigned to Aqueduct I Ltd. and
William F. Neddenriep



9/15/52 RECEIVED NOTICE OF ASSIGNMENT to *just W. F. Dressler to*
Margaretta A. Dressler.
9/15/52 RECEIVED NOTICE OF ASSIGNMENT to *just Margaretta A.*
Dressler to Fred W. & Anna E.
Dressler.
1-20-65 Appl. Chgd to show William F. Neddenriep + Fred H.
+ Anna E. Dressler as owners.
2/14/93 Chg. ownership to Aqueduct I, Ltd. and
Kent Neddenriep
6-25-93 Corrected to *Kent Neddenriep, Mark W. Neddenriep, Calif. Dept*
of Fish & Game, and Aqueduct I, Ltd.